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EXAMINER

SHEW, JOHN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,687

Applicant(s)

CAVE ET AL.

Examiner

John L Shew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/24/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12,14-18,20-35,37-54 and 56-63 is/are rejected.
- 7) ☒ Claim(s) 13,19,36,55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 8-9, 11-12, 14-18, 20-21, 39-54, 56-63 are rejected under 35 U.S.C. 102(e) as being unpatentable over Elliott et al. (Patent number 6614781).

Claim 1, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to

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asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway Site 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-64) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR to obtain authorization code and destination number, directing under control of said interactive response process using first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102, directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device

(FIG. 6C, column 42 lines 56-59, column 224 lines 35-64, column 230 lines 22-32) referenced by a third media stream to the Calling Card IVR 632 to obtain information calling card information and 3-way conferencing information from the calling party using the first communication device Telephone 120 to generate another media stream to destination Telephone.

Claim 2, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120.

Claim 8, Elliott teaches directing a fourth media stream from said interactive response process to said second communication device during a time in which said second media stream is directed to said first communication device (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operator services collect calls which requires

establishing a fourth media stream with the second communication device Telephone 102 to confirm acceptance of charges.

Claim 9, Elliott teaches said call is provided at a reduced rate at least in part as a function of said third and fourth media streams being directed to said first and second communication devices (column 216 lines 36-54) referenced by the use of Private Voice Network Services wherein the first and second communication devices are "on-net" within the private network at discount prices.

Claim 11, Elliott teaches wherein at least one of said first and second communication devices is provided the opportunity to opt out of receiving a respective one of said third and fourth media streams (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel and fourth media stream associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges wherein the charges are declined resulting in opt-out of receiving the fourth media stream.

Claim 12, Elliott teaches wherein opting out by said at least one of said first and second communication devices is signaled to said interactive response process through a corresponding one of said first and second signaling channels (column 227 lines 18-21) referenced by responses from the second communication device Telephone using DTMF tone detection which is transmitted via the signaling channel.

Claim 14, Elliott teaches wherein content of said third media stream is different than content of said fourth media stream (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a third media stream from the IVR to the first communication device Telephone 120 to obtain requested collect call information and establishing a fourth media stream from the IVR to the second communication device Telephone 102 to obtain confirmation of charge acceptance resulting in two different media contents.

Claim 15, Elliott teaches wherein said different content of said first media stream comprises information with respect to a status of said call (column 42 lines 56-64, column 223 lines 8-12) referenced by IVR providing operator services of collect calling which provides a first media stream to the first communication device Telephone of the status of the call in terms of charge acceptance or denied by the response of the second communication device Telephone.

Claim 16, Elliott teaches said different content of said first media stream solicits a response from said first communication device (column 223 lines 8-12, lines 36-39) referenced by the collect calling service wherein the first media stream solicits the destination number to which the charges will be billed.

Claim 17, Elliott teaches wherein said response comprises payment authorization information (column 223 lines 8-12, lines 36-39) referenced by the collect calling service wherein the first media stream receives confirmation as to the acceptance of the reverse payment charges by the second media stream associated to the second communication device Telephone.

Claim 18, Elliott teaches said response is transmitted to said interactive response process through said first signaling channel (FIG. 6D, column 42 lines 56-59, column 223 lines 8-12) referenced by the IVR 632 receiving the collect call destination number followed by the first media signaling channel via Soft Switch 204 to establish the connection to the second media stream.

Claim 20, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first

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communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim 21, Elliott teaches interfacing a third communication device to said asynchronous network replicating said first media stream to thereby provide a second media stream and directing under control of said interactive response process using said first signaling channel said second media stream to said third communication device during a time in which said first media stream is directed to said second communication device (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing which interfaces a third communication device Telephone 122 to asynchronous Data Network 112 replicating the first media stream associated to first communication device Telephone 120 to second media stream associated to second communication device Telephone 102 and through IVR conferencing using Soft Switch signaling channel.

Claim 39, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a plurality of communication devices to an asynchronous network (FIG. 1) referenced by Telephones 102 120 122 and 124 interfaced to Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway Site 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI, directing a first media stream associated with a first communication device of said plurality of communication devices to said interactive response process (FIG. 1, FIG. 6D) referenced by connection of first media stream of first communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (FIG. 1, column 224 lines 35-46) referenced by first communication device Telephone 120 connection to the IVR to request the calling card number, determining at least two communication devices of said plurality of communication devices for use in communication as a function of said accepted first media stream (column 220 lines 21-25) referenced by three-way conferencing wherein the IVR received information on two additional communication device telephones to set up the

conference call, directing a second media stream from said interactive response process to a second communication device of said plurality of communication devices wherein said second communication device is one of said at least two communication devices of said plurality of communication devices (FIG. 1) referenced by second media stream to second communication device Telephone 102 controlled by IVR in combination with Soft Switch Site 106, and directing during a time in which said second media stream is directed from said interactive response process to said second communication device a third media stream from said interactive response process to a third communication device of said plurality of communication devices wherein said third communication device is one of said at least two communication devices of said plurality of communication devices (FIG. 1, column 220 lines 21-25, column 230 lines 22-33) referenced by three-way conferencing the third media stream associated with a third communication device Telephone 122 upon receiving the destination telephone number at the IVR.

Claim 40, Elliott teaches determining at least two communication devices as a function of said accepted first media stream is based at least in part on a dialed number associated with said accepted first media stream (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing wherein the first media stream is prompted for a request of the dialed numbers of the destination conferencing parties.

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Claim 41, Elliott teaches establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. D) referenced by connection of first media stream of first communication device Telephone 120 to IVR 632 using the associated signaling to establish the call, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46, column 220 lines 21-25) referenced by the IVR connection to request the calling card number and numbers for 3-way conferencing, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel responsive to said response media stream (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, wherein said determining at least two communication devices as a function of said accepted first media stream is based at least in part on said information (column 220 lines 21-25) referenced by 3-way conferencing wherein the destination telephone information received over the first media stream is used to establish the 3-way call.

Claim 42, Elliott teaches directing a fourth media stream from said interactive response process to said first communication device wherein said fourth media stream includes information with respect to a status of communications with respect to at least one of

said second and third communication devices (column 225 lines 8-19) referenced by the status information of remaining usage cap limit associated to the 3-way conference call.

Claim 43, Elliott teaches said fourth media stream includes information soliciting a response from a user of said first communication device regarding further communications (column 227 lines 64-67) referenced by prompt of access code to allow the connection to the conference call.

Claim 44, Elliott teaches said response is communicated through said first signaling channel (column 220 lines 21-25) referenced by 3-way conferencing wherein the destination telephone information received is used to establish the calls via the signaling channels.

Claim 45, Elliott teaches providing a hierarchy of communication devices wherein communication devices of a first level of said hierarchy have a media stream directed thereto by said interactive response unit before communication devices of a second level of said hierarchy (column 226 lines 32-52) referenced by one-number feature establishing a hierarchy of termination points to locate the called party wherein the combination of IVR with Soft Switch performs the routing.

Claim 46, Elliott teaches wherein said second communication device and said third communication devices are associated with different levels of said hierarchy (column

226 lines 32-52) referenced by one-number feature establishing a hierarchy of termination points to locate the destination party associated with the second communication device and third communication device telephones.

Claim 47, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway Site 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI, interfacing an operator system to said interactive response process (FIG. 6C, column 42 lines 56-59) referenced by IVR services provided off-switch similar to operator services, establishing a first signaling channel

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associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-46) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR, directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102, receiving at said interactive response process signaling information from said first communication device indicating a desire to communicate with said operator system (column 223 lines 13-19) referenced by the first communication device accessing an operator by dialing "00" which is signaling information to connection to operator services, redirecting under control of said interactive response process using said first signaling channel said first media stream associated with said first communication device from said second communication device to said operator system (column 225 lines 4-7) referenced by re-origination feature allowing the calling party of the first communication device to connect to operator service to originate a new call once the call to the second communication device is terminated, and directing a third media stream from said operator system to said first communication device (column 225 lines 4-7) referenced by re-origination feature wherein the first communication device is connected to the operator service by depressing for 2 full seconds.

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Claim 48, Elliott teaches said operator system provides automated operator functions (FIG. 6C, column 42 lines 56-59) referenced by IVR which is an automated system providing operator services.

Claim 49, Elliott teaches said operator system provides live operator interaction (column 223 lines 17-35) referenced by a connection to operator services bureau for a live operator.

Claim 50, Elliott teaches said first media stream redirected to said operator system is directed from said first communication device through said interactive response process to said operator system (FIG. 6C, column 224 lines 19-46, column 20-35) referenced by Calling Card IVR obtaining the calling card authorization followed by a "00" entry to redirect the call to operator services.

Claim 51, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect

charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120, during a time in which said first media stream is directed from said first communication device to said second communication device (FIG. 2B) referenced by the call between first media stream of first communication device Telephone 120 and second media stream of second communication device Telephone 102.

Claim 52, Elliott teaches said interactive response process tears down said second media stream directed to said first communication device when said first media stream is redirected to said operator system (column 225 lines 4-7) referenced by the re-origination feature wherein the connection from first communication device Telephone to second communication device Telephone is terminated and the first communication device Telephone is connected to IVR operator service by depressing for 2 seconds allowing the first communication device Telephone to re-originate a call to a new communication device Telephone.

Claim 53, Elliott teaches a fourth media stream is directed to said second communication device from said interactive response process during a time in which said first media stream is redirected to said operator system (column 230 lines 22-32, column 227 line 50-53) referenced by three-way calling wherein the first media stream is redirected to the IVR to obtain another destination number to conference and the

second communication device receives a fourth media stream of music on-hold while waiting.

Claim 54, Elliott teaches said fourth media stream does not include content from either of said first media stream or said third media stream (column 230 lines 22-32, column 227 line 50-53) referenced by three-way calling wherein the first media stream is redirected to the IVR to obtain another destination number to conference and the second communication device receives a fourth media stream of music on-hold while waiting.

Claim 56, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone

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number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim 57, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a plurality of said communication devices to an asynchronous network (FIG. 1) referenced by communication devices telephones 102 120 122 124, wherein a plurality of said number of communication devices include call control functionality (FIG. 1) referenced by call control provided through Carrier Facilities 126 130 128 132, directing a first media stream associated with at least one of a first communication device of said number of communication devices and a second communication device of said number of communication devices to the other one of said first and second communication devices under control of said call control functionality associated with said first communication device (FIG. 2B, Abstract lines 1-20, column 27 lines 1-11) referenced by the call control through the Soft Switches for connection of first media stream associated to first

communication device Telephone 120 and second media stream associated to the second communication device Telephone 102 under the call control initiated by the first communication device Telephone 120 via Soft Switch 304, and directing a second media stream associated with at least one of said first communication device said second communication device and a third communication device of said number of communication devices to at least one of said first second and third communication devices under control of said call control functionality associated with said second communication device (column 227 lines 64-67) referenced by code access of first second and third communication devices to a conference call wherein the second communication device Telephone has call control with respect to it's access to the conference call.

Claim 58, Elliott teaches establishing a first signaling channel associated with said first communication device and said second communication device (FIG. 2B) referenced by the signaling between Soft Switch 304 and Soft Switch 204 to connect first communication device Telephone 120 and second communication device Telephone 102, establishing a second signaling channel associated with said second communication device and said third communication device (column 231 lines 37-44) referenced by 6-way conference call wherein each caller establishes signaling to connect with the other parties of the conference call.

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Claim 59, Elliott teaches information with respect to directing said first media stream is communicated through said first signaling channel (FIG. 2B) referenced by the signaling between Soft Switch 304 and Soft Switch 204 to connect first communication device Telephone 120 and second communication device Telephone 102.

Claim 60, Elliott teaches information with respect to directing said second media stream is communicated through said second signaling channel (FIG. 2B) referenced by the signaling between Soft Switch 304 and Soft Switch 204 to connect first communication device Telephone 120 and second communication device Telephone 102.

Claim 61, Elliott teaches wherein at least one of said first second and third communication devices comprises a general purpose processor based system (FIG. 1, FIG. 70B, column 17 lines 59-67, column 18 lines 1-11) referenced by Processor 7012 used in general purpose computer system with telephone capabilities using VOIP.

Claim 62, Elliott teaches said general purpose processor based system is a multimedia computer (FIG. 70B) referenced by the general purpose computer system.

Claim 63, Elliott teaches at least one of said first second and third communication devices comprises a processor based telephone system adapted to directly utilize packetized data (FIG. 1, FIG. 70B, column 17 lines 59-67, column 18 lines 1-11)

referenced by Processor 7012 used in general purpose computer system with telephone capabilities using VOIP.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 5, 6, 7, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claims 1-2, 8-9, 11-12, 14-18, 20-21, 39-54, 56-63 above, in view of Cave (Patent number 5754631).

Claim 3, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches directing a third media stream provides said third media stream to said first communication device (FIG. 4, column 5 lines 52-54) referenced by media stream from Voice Response Unit out of Line Terminal Interface unit 35 to the first

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communication device Telephone, in a whisper communication mode (column 6 lines 56) referenced by the creation of a “whisper in the ear” effect, such that second communication device does not receive content of said third media stream (column 6 lines 50-56) referenced by the disabling of summer 33A which is the summer circuit for transmission to the second communication device Telephone via the distribution switch 15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 4, Elliott teaches a communication mode provides a caller at said first communication device information with respect to a status of said call (column 225 lines 8-11) referenced by prompting the customer when a usage limit is exceeded.

Claim 5, Elliott teaches said communication mode solicits a response from said first communication device (column 225 lines 16-24, lines 32-36) referenced by prompting the card owner of remaining minutes available and prompt of authcode and terminating ANI.

Claim 6, Elliott teaches said response comprises payment authorization information (column 225 lines 25-36) referenced by end-user prompt for authcode translation with invoicing and expenditures.

Claim 7, Elliott teaches said response is transmitted to said interactive response process through said first signaling channel (column 227 lines 18-21) referenced by IVR detection of DTMF tones of customer pass-code which is transmitted via signaling channels.

Claim 22, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function. Cave teaches replicating said first media stream to thereby provide a fourth media stream (FIG. 4, column 23-31) referenced by first media stream output of Line Terminal Interface 35 replicated as fourth media stream output of Summer 33C, directing said fourth media stream to said interactive response process during a time in which said first media stream is directed to said second communication device (FIG. 4) referenced by Voice Response Unit directing first media stream output of Line Terminal Interface 35 to second communication device output of Summer 33A transmitted to Telephone 13, and recording said fourth media stream by said interactive response process (FIG. 4) referenced by Voice Response Unit's voice record function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 23, Elliott teaches a method for providing enhanced calling services (FIG. 1) referenced by Data Network 112 in conjunction to Carrier Facility network 126 providing calling services via the Data Network, comprising interfacing a first communication device to an asynchronous network (FIG. 1, column 5 lines 41-48) referenced by a first communication device Telephone 120 connected to Gateway Site 110 interfacing to asynchronous Data Network 112 which is an IP based network, interfacing a second communication device to said asynchronous network (FIG. 1) referenced by second communication device Telephone 102 connected to Gateway Site 108 interfacing to asynchronous Data Network 112, interfacing an interactive response process to said asynchronous network (FIG. 6D, column 19 lines 44-52) referenced by Calling Card IVR 632 connected to Gateway Site 110 via packet based ISDN PRI facilities interfacing to asynchronous Data Network 112 wherein the Gateway 110 extends the packet based Data Network 112 to cover the Calling Card IVR 632 and Operator Services 628, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511 adapted to ISDN PRI, establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG.

6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6, column 224 lines 35-46) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR to obtain authorization code and destination number, directing under control of said interactive response process using said first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches replicating said first media stream to thereby provide a third media stream (FIG. 4) referenced by first media stream output of Line Terminal Interface 35 replicated as a third media stream output of Summer 33C, directing said third media stream to said interactive response process (FIG. 4) referenced by Voice Response Unit, during a time in which said first media stream is directed to said second communications device (column 1 lines 5-11) referenced by 3-way call conference connecting multiple communications devices, and recording said third media stream by said interactive response process (FIG. 4) referenced by voice record function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

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Claim 24, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches said first communication device signaling said interactive response process through said first signaling channel (FIG. 4, column 3 lines 61-64, column 4 lines 32-44) referenced by Voice Response Unit connecting first media stream output of Line Terminal Interface 35 through first signaling channel via VRU control of robotic function associated to resources, and during a time in which said first media stream is directed to said second communication device (FIG. 4, column 1 lines 5-11) referenced by 3-way call conference wherein first media stream output of Line Terminal Interface 35 is directed to said second communication device second media stream output of Summer 33A, to commence recording said third media stream (FIG. 4) referenced by third media stream output of Summer 33C, wherein said replicating said first media stream is performed under control of said interactive response process (FIG. 4) referenced by replicated first media stream output of Summer 33C is performed by Voice Response Unit, responsive to said signaling from said first communication device to commence recording said third media stream (FIG. 4, column 1 lines 34-41) referenced by the customer using a robotic function resources to record the conversation shown as third media stream output of Summer 33C to recording function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice

Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 25, Elliott teaches establishing a second signaling channel associated with said second communication device and said interactive response process (FIG. 6C, column 40 lines 39-43, column 223 lines 8-12) referenced by IVR operators services collect calls which requires establishing a second signaling channel associated to the second communication device Telephone 102 via Soft Switch 204 to confirm acceptance of charges, directing under control of said interactive response process using said second signaling channel a second media stream associated with said second communication device to said first communication device (FIG. 2B) referenced by acceptance of collect charges and using second signaling channel 259 to connect second communication device Telephone 102 to the first communication device Telephone 120.

Claim 26, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches replicating said second media stream to thereby provide a fourth media stream (FIG. 4) referenced by VRU replicating second media stream at input of Summer 33A with the replicated fourth media stream going to input of Summer 33C, directing said fourth media stream to said interactive response process during a time in which said second media stream is directed to said first communication device (FIG. 4,

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Abstract lines 1-10) referenced by the replication of the media stream within the VRU while the 3-way conference among Telephones 13 are active, recording said fourth media stream by said interactive response process (FIG. 4 column 1 lines 14-24) referenced by voice record function 22R recording the conference conversation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 27, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function with a summer function.

Cave teaches said third and fourth media streams are summed prior to recording (FIG. 4) referenced by Summer 33C which sums the third and fourth media streams for recording at recording function 22R.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

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Claim 28, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches said third media stream is recorded discrete from said fourth media stream (FIG. 4) referenced by third media stream output of Summer 33C to recording function 22R which is discrete from fourth media stream output of Summer 33A to second communication device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 29, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach a whisper communication mode nor a recording function.

Cave teaches said recorded third media stream is transmitted to a user associated with at least one of said first communication device and said second communication device (FIG. 4) referenced by third recorded media stream playback function 22P to Summer 33B associated to first media stream output Line Terminal Interface 35 to first communication device Telephone, wherein said transmission of said recorded third media stream is separate from said first and second signaling channels and said first and second media streams (FIG. 4) referenced by recorded third media stream output

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of playback function 22P is separate from first media stream output of Line Terminal Interface 35 and second media stream output of Summer 33A along with their respectively signaling channels.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the whisper mode and recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 30, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network 112. Elliott does not teach recording within the IVR.

Cave teaches Voice Response Unit with voice recording (FIG. 4) referenced by the Rec 22R and Play 22P function.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit and data network of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 31, Elliott teaches the computer network comprises the Internet (column 19 lines 59-67, column 20 lines 1-4) referenced by Data Network 112 including the global Internet.

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Claim 32, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network

112. Elliott does not teach e-mail transmission.

Cave teaches said recorded third media stream includes e-mail transmission (column 4 lines 32-44) referenced by text-to-speech feature wherein a recorded e-mail text can be transmitted to the caller via text-to-speech.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of the Voice Response Unit of Cave to the Interactive Voice Response unit and data network of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 33, Elliott teaches an Interactive Voice Response unit connected via a computer network (FIG. 6D) referenced by Calling Card IVR 632 connected via Data Network

112. Elliott does not teach recording within the IVR.

Cave teaches said recorded third media stream is transmitted to a user associated with said first communication device and a user associated with said second communication device (column 1 lines 14-24, lines 34-42) referenced by 3-way conferencing wherein the recorded media stream is playback to both parties thereby transmitted to a first communication device telephone and a second communication device telephone simultaneously.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of the Voice Response Unit of Cave to

the Interactive Voice Response unit and data network of Elliott for the purpose of recording both sides of the conversation or announce to both parties.

Claim 37, Elliott teaches directing a first media stream associated with said first communication device to said interactive response process (FIG. 2B, FIG. 6D) referenced by first media stream associated to communication device Telephone 120 to Calling Card IVR 632, accepting said first media stream by said interactive response process (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, generating a response media stream by said interactive response process responsive to said first media stream (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, directing said response media stream to said first communication device (column 224 lines 35-46) referenced by the IVR connection to request the calling card number, accepting information from said first communication device via said first signaling channel (column 224 lines 35-46) referenced by the acceptance of the authorization code and destination telephone number to which the call will be connected, and controlling said directing of said first media stream to said second communication device as a function of said accepted information to thereby redirect said first media stream from said interactive response process to said second communication device (FIG. 2B, column 224 lines 35-46) referenced by connecting the first media stream associated to the first communication device Telephone 120 to the second media stream associated to the second

communication device Telephone 102 as directed by the Soft Switch 304 in response to the telephone digits collected by the Calling Card IVR.

Claim 38, Elliott teaches interfacing a third communication device to said asynchronous network replicating said first media stream to thereby provide a second media stream and directing under control of said interactive response process using said first signaling channel said second media stream to said third communication device during a time in which said first media stream is directed to said second communication device (FIG. 1, column 220 lines 21-25) referenced by three-way conferencing which interfaces a third communication device Telephone 122 to asynchronous Data Network 112 replicating the first media stream associated to first communication device Telephone 120 to second media stream associated to second communication device Telephone 102 and through IVR conferencing using Soft Switch signaling channel.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott as applied to claims 1-2, 8-9, above, in view of Shtivelman (Patent number 6157655).

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Claim 10, Elliott teaches an interactive voice response unit used to establish telephone calls over a packet data network. Elliott does not teach advertising messages.

Shtivelman teaches content of said third and fourth media streams comprise an advertising message (Fig. 2, column 3 lines 10-19, column 7 lines 42-52) referenced by the alternate destination keeping the caller on the line with advertising products.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the advertising mode of Shtivelman to the Interactive Voice Response unit of Elliott for the purpose of keeping a caller on the line via interactive methods.

4. Claims 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Cave as applied to claims 1-9, 11-12, 14-18, 20-33, 37-54, 56-63 above, and further in view of Blair et al. (Patent number 6404857) .

Claim 34, Elliott and Cave teaches an IVR voice over data network with recording features. They do not teach recorded redirection to a third party device nor the use of standardized format files.

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Blair teaches said recorded media stream is transmitted to a user device different that said first communication device and said second communication device (FIG. 1, column 6 lines 21-32) referenced by the Digital Voice Recorder 18 sending the recorded speech to Data/Speech Storage 40 which is different from first and second communication device telephones.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of Blair to the Interactive Voice Response unit of Elliott and Cave for the purpose recording two-way telecommunications traffic to safeguard against abusive and fraudulent use of the telecommunications network.

Claim 35, Elliott and Cave teaches an IVR voice over data network with recording features. They do not teach recorded redirection to a third party device nor the use of standardized format files.

Blair teaches recording of said third media stream is in a standardized format adapted for general utilization (FIG. 2, column 6 lines 33-45) referenced by packet header 44 and packet body 46 inclusive of the captured audio data as representative of a standardized storage format.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the recording function of Blair to the Interactive Voice Response unit of Elliott and Cave for the purpose recording two-way

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telecommunications traffic to safeguard against abusive and fraudulent use of the telecommunications network.

Allowable Subject Matter

5. Claims 13, 19, 36, 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's arguments filed 11/24/2005 have been fully considered but they are not persuasive.

Claim 1 Elliott teaches a Calling Card IVR (FIG. 6D). The IPDC packet network of the Soft Switch is bridged by the Gateway Site to the ISDN PRI packet network of the Calling Card IVR which forms one large packet based network. As one hybrid packet network the IVR is not off-network. The establishment of a signaling channel is required for the control of the IVR.

The IVR cannot work in isolation as a pure media transfer without some method of signaling control. The signaling control is centralized through the Soft Switch 204 which couples the IPDC packet control with the PSTN ISDN packet control of the IVR. The Calling Card IVR works in combination with the Soft Switch in the same way the Network IVR works. The difference being the Calling Card IVR is for Operator Services as compared to the Network IVR is for SCP AIN services. The IVR must have a signaling channel established for call control and an associated media stream for audio content to the telephone device.

The Calling Card IVR (column 224 lines 35-64) obtains an authorization code along with a destination telephone number in order to initiate a call. Thus the IVR is in control of the call using the first signaling channel to establish a second media stream to the destination telephone number.

The establishment of a third media stream is through the use of the 3-way calling feature wherein the user of the established 2-way call flashes the switchhook for signaling control to enter a new destination telephone for the third media stream.

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Claim 39 bears the same response as presented for claim 1 in regards to the Data Network. Elliott teaches a Calling Card IVR (FIG. 6D). The IPDC packet network of the Soft Switch is bridged by the Gateway Site to the ISDN PRI packet network of the Calling Card IVR which forms one large packet based network. As one hybrid packet network the IVR is not off-network. The establishment of a signaling channel is required for the control of the IVR.

The establishment of a second media stream to a second telephone device is must be made as part of stage two in a multi-party conference call. Call control to the IVR must be maintained in order to obtain additional telephone numbers for conferencing.

The second media stream from the Calling Card IVR is directed to the alternate destination telephone as a third media stream as established in a 3-way conferencing call (column 230 lines 22-33) as either user can flash the switchhook to establish a 3-way connection. Control to the IVR must be maintained to obtain the new destination telephone number as each media stream is established for all parties. The call control is performed by the combination of Soft Switch and Calling Card IVR wherein the routing and protocol control is handled by the Soft Switch. Any IVR which bears call control must implement the functions as provided by the Soft Switch for routing of the control packet data.

Claim 47 bears the same response as presented for claim 1 in regards to the Data Network. Elliott teaches a Calling Card IVR (FIG. 6D). The IPDC packet network of the Soft Switch is bridged by the Gateway Site to the ISDN PRI packet network of the

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Calling Card IVR which forms one large packet based network. As one hybrid packet network the IVR is not off-network. The establishment of a signaling channel is required for the control of the IVR.

Elliott teaches operator services and calling card IVR as off-switch services. Both services function together and are integral as a unit for obtaining calling card information and authorization in addition to multi-party conferencing numbers, thus the services interface directly and can be incorporated in a single unit.

Elliott teaches use of the IVR for signaling control in establishing media streams between a first and second communication device (column 224 lines 35-46) wherein the calling card authorization code and destination number is obtained to establish the call. The operator services are available through calling card services (column 223 lines 13-19) and is accessed by dialing "00". Such a method is interactive to require monitoring for entry of the "00" code after the calling card sequence entry.

The "redirecting under control of said interactive response process using said first signaling channel said first media stream associated with said first communication device from said second communication device to said operator system" is performed by placement of re-origination calling card calls. The IVR obtains information as to the new destination and redirects the second media stream to the new destination.

Multiple media streams are established by re-origination calls which bridges new third media streams to the original first media stream.

Claim 57 Elliott teaches the placement of VoIP calls via a data network between a plurality of legacy telephones. To perform this, call control must inherently be present. The legacy telephone devices 102, 120, 122 and 124 do not this function. The call control is present in the Carrier Facilities and Customer Facilities 126, 120, 128 and 132 to which the telephones are connected and interface with the Soft Switch Sites. The media streams are established to the telephone devices as part of the audio connection in setting up the call. Call control is initiated at the first telephone to attempt establishment of the call.

Fig 2B shows the connection of two telephone devices 120 102 with the control signal via the Soft Switches 304 270 wherein the media stream of telephone device 1 is directed to media stream of telephone device 2 wherein the call control is initiated by telephone device 1 through dial-up of the destination number.

The use of the code access for conferencing allows each telephone device to control their associated media streams via the IVR for conferencing. Each media stream can be directed to the others by code access conferencing, hence the second media stream is directed to a first media stream under the control of the second device.

Claim 23 bears the same response as presented for claim 1 in regards to the Data Network. Elliott teaches a Calling Card IVR (FIG. 6D). The IPDC packet network of the Soft Switch is bridged by the Gateway Site to the ISDN PRI packet network of the Calling Card IVR which forms one large packet based network. As one hybrid packet

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network the IVR is not off-network. The establishment of a signaling channel is required for the control of the IVR.

The establishment of a first signaling channel between the communication device and the IVR is performed in order to obtain the calling card authorization code. Without establishing a signaling channel, no access to the IVR would be possible for the communication device.

The entry of the authorization code and destination number from the communication device to the IVR provides subsequent control by the IVR to establish the second media connection to the destination communication device, thus the first media stream is under the control of the IVR.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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